

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 3, 4, 6, 8-10, 12 and 14-16 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 3, 4, 6, 8-10, 12 and 14-25 will be pending for further consideration and examination in the application.

REJECTION UNDER '112, 2ND PAR. - TRAVERSED

Claims 3, 4, 6, 8-10, 12 and 14-16 have been rejected under 35 USC '112, second paragraph, as being indefinite for the concerns listed within the section numbered "2" on page 2 of the Office Action. Clarifying amendments made to the claims have addressed a number of the Office Action concerns. With regard to a remainder of the Office Action concerns, Applicant respectfully submits the following.

As stated in MPEP §2173.01:

A fundamental principle contained in 35 U.S.C. §112, second paragraph, is that Applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as the terms are not used in ways that are contrary to accepted meanings in the art. Applicant may have functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought.

With regard to the §112 rejection of the claims, Applicant respectfully submits that MPEP §2173 instructs the Examiner “to allow the claims which define the patentable subject matter with a reasonable degree of particularity and distinctness,” and that “latitude should be permitted even though the claim language is not as precise as the Examiner might desire.”

With the above in mind, Applicant respectfully reiterates the following Office Action concern(s) and follows with Applicant’s traversal:

Office Action Concern:

b. Claim r recites the limitation “a magnetic gap layer” in lines 1-2. it is unclear whether said gap layer is made of a magnetic material or a non-magnetic material.

Applicant’s Traversal: Applicant respectfully traverses in that Applicant chooses not to define in the claims whether the magnetic gap layer is magnetic or non-magnetic, i.e., the claim is clear as written, and defining whether the magnetic gap layer is magnetic or non-magnetic is not otherwise needed to distinguish the claim over the art of record. While such claim may not be as precise as the Examiner might desire, the claim has a reasonable degree of particularity and distinctness thus satisfying MPEP guidelines.

Office Action Concern:

Claim 9 recites the limitation “said magnetic pole tip layer comprises three layers of magnetic layer/non-magnetic layer/magnetic layer” It is unclear whether said “non-magnetic layer” is the same as the gap layer of claim 4, line 2.

Applicant’s Traversal: Applicant respectfully traverses in that Applicant chooses not to define in the claims whether the “non-magnetic layer” is the same as the gap layer, i.e., the claim is clear as written (see Applicant’s 4a, 4b, 5a, 5b), and defining whether the “non-magnetic layer” is the same as the gap layer is not otherwise needed to distinguish the claim over the art of record. While such claim may not be as precise as the Examiner might desire, the claim has a reasonable degree of particularity and distinctness thus satisfying MPEP guidelines.

Office Action Concern:

Claim 16 ...it is unclear whether the array apparatus has one and only one write head, or whether each magnetic disk apparatus contains at least one write head.

Applicant's Traversal: Applicant respectfully traverses in that Applicant clarified claim recites an arrangement "wherein at least one inductive head according to claim 3 is mounted as a magnetic head of **at least one** of the magnetic disk apparatuses." Applicant chooses not to recite an arrangement "wherein at least one inductive head according to claim 3 is mounted as a magnetic head of **each** of the magnetic disk apparatuses.", in that infringement could be avoided by simply making one of the apparatus not include the claim 3 inductive head. In addition, such limitations are not otherwise needed to distinguish the claim over the art of record. While such claim may not be as precise as the Examiner might desire, the claim has a reasonable degree of particularity and distinctness thus satisfying MPEP guidelines.

As the foregoing is believed to have addressed all '112 second paragraph concerns, reconsideration and withdrawal of the '112 second paragraph rejection are respectfully requested.

ALL REJECTIONS UNDER 35 USC '102 AND '103 - TRAVERSED

All 35 USC rejections are respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

One objective of Applicant's disclosed and claimed invention is to effectively flow substantial magnetic flux to a magnetic pole tip layer so as to provide an inductive head giving a high recording magnetic field. Applicant's combination invention accomplishes the same, at least in part, by having a width of a front end of an upper magnetic core wider than that of a rear end of a magnetic pole tip layer. See Applicant's specification page 5, lines 11-16, and the marked-up copy of Applicant's FIG. 1(b) attached hereto.

Barr doesn't disclose or suggest any type of arrangement wherein the width of the front end of the upper magnetic core is larger than that of the rear end of the magnetic pole tip layer. Applicant has discovered that such configuration, in combination with the rest of Applicant's combination claim, results in an advantageous arrangement where magnetic flux is effectively flowed to the magnetic pole tip layer so as to provide an inductive head giving a high recording magnetic field. At best, Barr just discloses the width of the front end of the upper magnetic core is same or smaller than that of the rear end of the magnetic pole tip layer (see Fig 3A of Barr attached herewith).

Also Barr just discloses the width of the front end of the magnetic pole tip layer is as same as that of the rear end of the magnetic pole tip layer (see Fig 3,'96' of Barr).

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection or '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 and '103 rejections, and express written allowance of all of the rejected claims, are respectfully requested.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area number of 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.


CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 520.39873VX1) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,



Paul J. Skwierawski
Registration No. 32,173
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209-3801, USA
Telephone 703-312-6600
Facsimile 703-312-6666

PJS/

ATTACHMENTS:

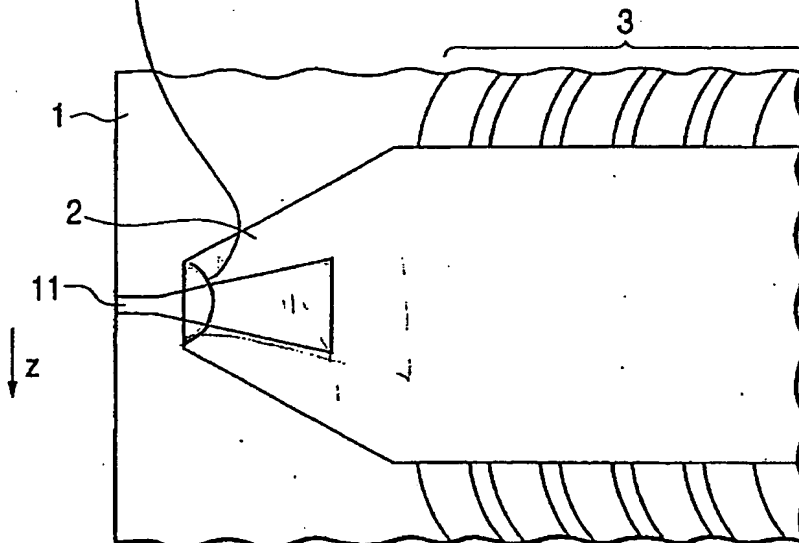
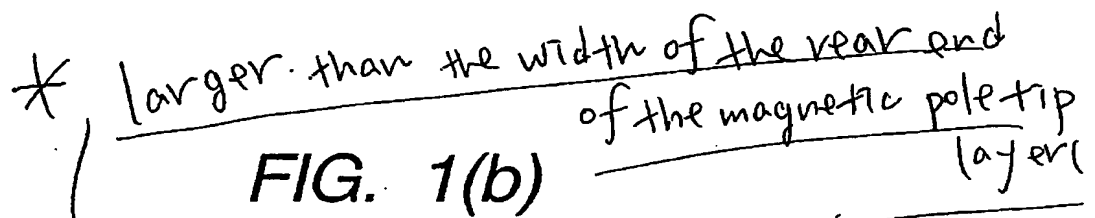
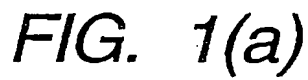
Marked-up copy of Applicant's FIG. 1(b) drawing sheet

Marked-up copy of U.S. Patent 6,657,816's FIG. 3(A) drawing sheet

CONCURRENT SUBMISSIONS:

Petition for Extension of Time

Form PTO-2038





U.S. Patent

Dec. 2, 2003

Sheet 4 of 10

US 6,657,816 B1

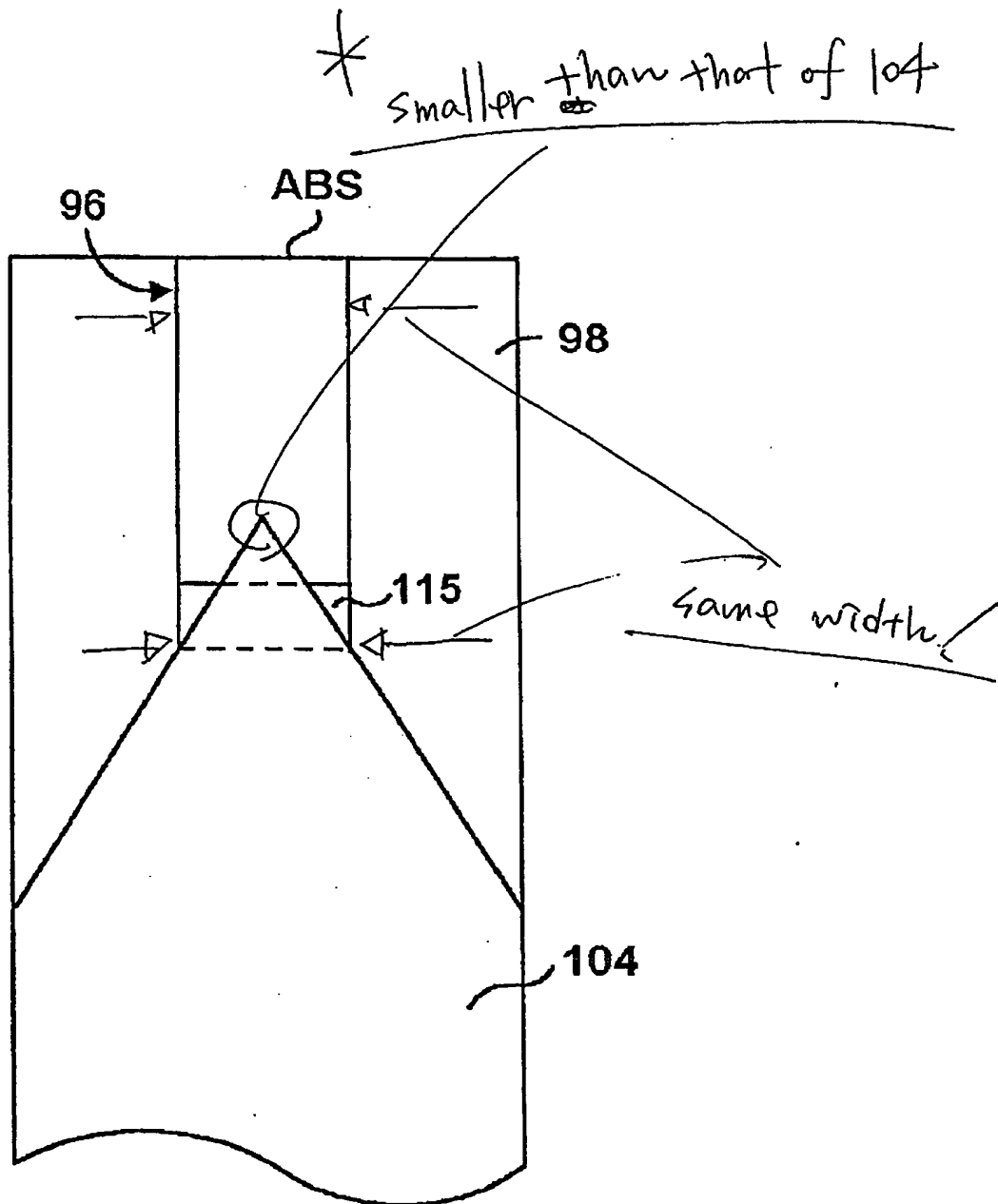


FIG. 3A